

# Fax Cover Sheet

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Diagnostics

To: Examiner Fax 703-872-9306  
Daniel Leon Robinson

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From: Sujatha Subramaniam Roche Diagnostics Operations, Inc.  
Tel. (317) 521-2851  
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Date: November 5, 2004

No. of pages: 19 (incl. cover sheet)

Re: U.S. Application No.: 09/810,635  
Filed: March 16, 2001  
Inventor(s): Martin Gerber et al.  
Group Art Unit: 3742  
Examiner: Daniel Leon Robinson  
Atty Docket No.: WP 19306 US

## RESPONSE TO FIRST OFFICE ACTION

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Signature  
November 5, 2004

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WEMHH/SB/21 (6/04)

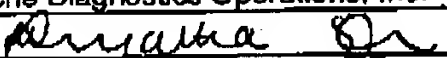
Approved for use through 07/31/2006. OMB 0951-0031

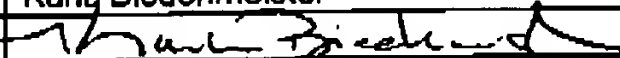
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/810,635	
	Filing Date	March 16, 2001	
	First Named Inventor	Martin Gerber et al.	
	Art Unit	3742	
	Examiner Name	Daniel Leon Robinson	
Total Number of Pages in This Submission	19	Attorney Docket Number	WP 19306 US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawings <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="text"/>	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks <input style="width: 100%;" type="text"/>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or individual name	Sujatha Subramaniam, Reg. No. 48,739 Roche Diagnostics Operations, Inc.
Signature	
Date	November 5, 2004

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**FEE TRANSMITTAL  
FOR FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

Complete If Known

Application Number		10/810,635
Filing Date		March 16, 2001
First Named Inventor		Martin Gerber et al.
Group Art Unit		3742
Examiner Name		Daniel Leon Robinson
Attorney Docket Number		WP 19308 US
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		
Total Amount of Payment	(\$ 980.00)	

**METHOD OF PAYMENT**
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ **Deposit Account:**

Deposit Account Number

02-2958

Deposit Account Name

Roche Diagnostics Operations, Inc.

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application, excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
1001	790	2001	395	Utility Filing Fee	
1002	350	2002	175	Design Filing Fee	
1003	550	2003	275	Plant Filing Fee	
1004	790	2004	395	Reissue Filing Fee	
1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$ 0)

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee From Below	Fee Paid
	-20** =	X 18 =	
Independent Claims	-3** =	X 88 =	
Multiple Dependent			

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	68	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

\*\*For number previously paid, if greater; For Reissue, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner's Action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner's Action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	980
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,370	2453	685	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37 CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other Fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 980.00)

Complete (if applicable)

SUBMITTED BY		Registration No.		Telephone	
Name (Print/Type)		(Attorney/Agent)		317-521-2851	
Signature		Date		November 5, 2004	

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**FEE TRANSMITTAL  
FOR FY 2004**

Effective 01/01/2003. Patent fees are subject to annual revision.

Complete If Known

Application Number	10/810,635
Filing Date	March 16, 2001
First Named Inventor	Martin Gerber et al.
Group Art Unit	3742
Examiner Name	Daniel Leon Robinson
Attorney Docket Number	WP 19306 US

☐ Applicant claims small entity status. See 37 CFR 1.27Total Amount of Payment (\$)**980.00****METHOD OF PAYMENT**☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

02-2958

Deposit  
Account  
NameRoche Diagnostics Operations,  
Inc.

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application,  
excluding the payment of issue fees  
☐ Charge fee(s) indicated below, except for the filing fee to the above-  
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1005	160	2005	80	Provisional Filing Fee	
SUBTOTAL (1)					(\$) <b>0</b>

**2. EXTRA CLAIM FEES**

Total Claims	Extra Claims	Fee From Below	Fee Paid
	-20** =	X <b>18</b>	=
Independent Claims	-3** =	X <b>88</b>	=
Multiple Dependent			=

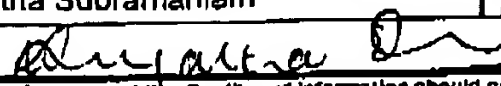
Large Entity	Small Entity	Fee Description
Fee Code	Fee Code	Fee (\$)
1202	2202	9 Claims in excess of 20
1201	2201	44 Independent claims in excess of 3
1203	2203	150 Multiple dependent claim, if not paid
1204	2204	44 **Reissue independent claims over original patent
1205	2205	9 **Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)		(\$) <b>0</b>

\*\*or number previously paid, if greater. For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code	Fee (\$)	Fee (\$)
1051	2051	65 Surcharge - late filing fee or oath	
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1802	1802	900 Request for expedited examination of a design application	
Other Fee (specify)			
* Reduced by Basic Filing Fee Paid			SUBTOTAL (3) (\$) <b>980.00</b>

Complete (if applicable)

SUBMITTED BY	Registration No.	48,739	Telephone	317-521-2851
Name (Print/Type)	Sujatha Subramaniam	(Attorney/Agent)	Date	November 5, 2004
Signature				

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Docket No. WP 19306 US

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:  
Martin Gerber et al.

Application No.: 109/810,635

Group No.: 3742

Filed: March 16, 2001

Examiner: Daniel Leon Robinson

For: SUBCUTANEOUS ANALYTE SENSOR

Mail Stop No Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

Sir:

Responsive to the Office Action mailed May 13, 2004, Applicants respectfully request that the Examiner enter the following amendments. A Petition for Extension of Time for three (3) month(s) is submitted herewith.

**Amendment to the Claims** are reflected in the listing of the claims that begin on Page 2 of this paper.

**Remarks** begin on Page 11 of this paper; and

**Conclusion** begins on Page 13 of this paper.

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**CERTIFICATION UNDER 37 C.F.R. 1.8**

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Karla Biedenmeister